



Entered on Docket
May 19, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Fifth Omnibus Objection Of
USACM Trust To Proofs Of Claim Based In
Whole or In Part Upon Investment In The
Oak Shores II Loan**

Hearing Date: May 9, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Fifth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Oak Shores II Loan ("Oak Shores") [DE 8308] (the "Objection"); the Court having heard the Objection on May 9, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the

1 Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the
2 borrower or from the collateral securing the Oak Shores II Loan; and good cause
3 appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8308] is sustained; and
- 6 2. The claims listed on **Exhibit** A attached are disallowed in whole or in part,
7 to the extent that those claims are based upon an investment in the Oak Shores II Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11
12 By /s/ John Hinderaker
13 Robert M. Charles, Jr.
14 John Hinderaker (*pro hac vice*)
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17 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. _____
Attorneys for USACM Liquidating Trust

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**Oak Shores II (John E. King)
Multiple Loan Claims**

Claim #	Date Claim Filed	Name	Total Claim Amount	Total Claim Amount Relating to Oak Shores II (John E. King) Loan	Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King)	Approximate Amount Subject to Objection Because it Relates to an Investment In the Oak Shores II (John E. King) Loan
10725-01914	1/10/2007	Gilbert Manuel Living Trust Dtd 1/3/92 C/O Gilbert Manuel Ttee 4617 Constitution Ave Ne Albuquerque, NM 87110	486,748.60	50,000.00	10,033.44	39,966.56
10725-01915	1/10/2007	Hausler Jr Living Trusr Dtd 1/3/92, Edwin L C/O Edwin L Hausler Ttee 4617 Constitution Ave NE Albuquerque, NM 87110	486,748.60	50,000.00	10,033.44	39,966.56
10725-02117	1/11/2007	Janet P Johnson Living Trust Dated 7/14/04 Janet P & Charles E Johnson Ttees 17 Front St Palm Coast, FL 32137	936,603.82	100,000.00	20,066.89	79,933.11
10725-01314	11/13/2006	John E Michelsen Family Trust John F Murtha Esq PO Box 2311 Reno, NV 89505	236,764.00	49,812.00	10,033.44	39,778.56
10725-02124	1/11/2007	Joy Investment Inc A Nevada Corporation 5280 S Eastern Ave., Suite D-3 Las Vegas, NV 89119 And Joy Investment Inc A Nevada Corporation 8080 Harborview road Blaine, WA 98230	1,818,940.00	175,000.00	35,117.06	139,882.94

EXHIBIT A

2349823.1

**Oak Shores II (John E. King)
Multiple Loan Claims**

Claim #	Date Claim Filed	Name	Total Claim Amount	Total Claim Amount Relating to Oak Shores II (John E. King) Loan	Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King)	Approximate Amount Subject to Objection Because it Relates to an Investment In the Oak Shores II (John E. King) Loan
10725-02205	1/12/2007	Lorin Loughlin & Rand Yazzolino 1259 Bags Blvd Sonoma, CA 95476	250,000.00	100,000.00	20,066.89	79,933.11
10725-02178	1/12/2007	Marshall J & Janet L Brecht Trustees 640 Colonial Cir Fullerton, CA 92835	3,418,022.00	100,000.00	20,066.89	79,933.11
10725-01312	11/13/2006	Michelsen, Gary A John F Murtha Esq PO Box 2311 Reno, NV 89505	543,373.00	49,812.00	10,033.44	39,778.56
10725-01208	11/10/2006	Monighetti, Pete 6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	39,761.00	10,033.44	29,727.56
10725-02044	1/11/2007	Naylon, Dominique Po Box 2 Topaz, CA 96133	1,168,297.62	100,000.00	-	100,000.00

EXHIBIT A

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